

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS EMANUEL COATES, JR.,

Petitioner,

v.

CASE NO. 2:08-CV-725
CRIM. NO. 06-CR-264(1)
JUDGE HOLSCHUH
MAGISTRATE JUDGE KING

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

On May 4, 2010, the Magistrate Judge directed petitioner to file, within 21 days, a statement of his intention to pursue this §2255 petition and a written waiver of his attorney client privilege as it relates to his claim(s) of ineffective assistance of counsel. Petitioner was advised that failure to do so would be construed as an abandonment of this action and would result in dismissal of this case for failure to prosecute. *Order and Report and Recommendation*, Doc. No. 56.

Petitioner nonetheless has failed to file any response to the Magistrate Judge's order. Therefore, this action is hereby **DISMISSED. THE CLERK SHALL ENTER FINAL JUDGMENT.**

IT IS SO ORDERED.

Date: June 10, 2010

/s/ John D. Holschuh
JOHN D. HOLSCHUH
United States District Judge